

## TOWN OF NEW WINDSOR

## ZONING BOARD

May 23, 2011

MEMBERS PRESENT: PAT TORPEY, ACTING CHAIRMAN  
HENRY SCHEIBLE  
FRANCIS BEDETTI  
RICHARD HAMEL

ALSO PRESENT: ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

NICOLE JULIAN  
ZONING BOARD SECRETARY

ABSENT: MICHAEL KANE

**REGULAR MEETING:**

MR. TORPEY: I'd like to call to order the May 23  
Zoning Board meeting.

**APPROVAL OF MINUTES DATED 4/11/11**

MR. TORPEY: Motion to approve the minutes of the  
April 11 meeting as written?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

## ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE

PRELIMINARY MEETINGS:

MR. AND MRS. RUSSELL T. GANDT (11-13)

MR. TORPEY: First preliminary hearing Mr. and Mrs. Russell Gandt. In the Town of New Windsor what we do is we hold like a preliminary hearing, you have to come in, explain it to us. You're going to tell us what you need, what you want, how you want to do it. And then after that then we're going to do another one, you get to come back and explain it all over again. But if you want to come on up and just state your name and tell the girl your address.

MR. GANDT: My name is Russell Gandt of 38 Cross Street, New Windsor, New York.

MRS. GANDT: Regina Gandt, his wife, same address.

MR. GANDT: I'm here to, I'm looking for a 10 foot variance, I want to build a 24 by 32 detached garage and I need a 10 foot variance from the property line from 20 foot. And the reason for that is I don't want the garage to be pretty much right in the middle of the back yard. If I go 20 feet, it will be almost directly behind my house, I want to try and keep it somewhat to the side of the house.

MR. TORPEY: You can't go back with it?

MR. GANDT: Yeah, I have gone back with it, I have gone back about 15 feet from the house or so straight back but I want to keep it more in line with the driveway.

MR. HAMEL: Looks like the neighbors, the neighbors do they have a two car garage too?

MR. GANDT: Yes.

MR. TORPEY: Was this house here with the garage? What's this house with the garage in it?

MR. GANDT: That's the neighbor's house.

MR. TORPEY: You guys got any questions?

MR. SCHEIBLE: If I can read this you're talking about being 10 feet away from your neighbor's back yard?

MR. GANDT: Yes, the property line.

MR. SCHEIBLE: And the existing garage here, the neighbor is that, how long has that been there, do you have any idea?

MR. GANDT: That's been since the 1950's.

MR. SCHEIBLE: Yes, I know that piece of property, that's an old one, you know.

MR. TORPEY: I have to ask you some really intelligent questions but you're not going to be removing any trees or sustaining any water damage or water runoff?

MR. GANDT: No, no landscaping involved.

MR. TORPEY: No easements, no right-of-ways going through the garage, nothing?

MR. GANDT: No.

MR. TORPEY: And the garage is going to be similar to everybody else's kind of garage in the neighborhood?

MRS. GANDT: That's why we wanted it where it was instead of originally they had it 20 feet and it kind of looked, it would be more of I think an eyesore especially for the people in back of us if we did that it way I would think.

MR. GANDT: Just trying to keep it in on par with the existing garage, I know they were built pre-code before they had building codes and everything like that but there's two or three garages like in on my block that are within three feet of the property line. I'm not asking for five feet or, you know, three feet, I'm asking for 10 feet, just trying to keep it somewhat close. I just think it would look, it would affect the character of the neighborhood to have it all the way in the middle of the back yard when no other garages are like that in this area.

MR. TORPEY: So the garage is similar to everybody else's?

MR. GANDT: Yeah, only thing is it may have a bonus room on top, two car garage on the bottom, same thing as the others.

MR. TORPEY: Any other questions?

MR. HAMEL: No.

MR. SCHEIBLE: On the, correct me if I'm wrong, on the breezeway you have new covered concrete patio that's not the breezeway, the patio is that existing?

MR. GANDT: No, there's nothing there right now just grass, I wanted to extend the roof back 10 feet and underneath have a concrete patio.

MR. TORPEY: In these pictures, which one is your house?

MR. GANDT: It's the tan one, the tan house.

MR. TORPEY: They're all tan.

MRS. GANDT: It's this one.

MR. GANDT: I couldn't take pictures from one side of the house because there's a row of pine trees, can't get through.

MR. TORPEY: Basically where the basketball hoop is, it's going to sit back there?

MR. GANDT: Right, yeah, that's about where it will start right at the end of the existing driveway, so just driveway just drives right into it. If I put it in the middle of the back yard, I would have to be, I'd drive up the driveway and turn left into it, just it wouldn't be right for the property in my opinion.

MR. SCHEIBLE: Is there, hypothetically, but is there an elevation problem or is it a piece of flat land?

MR. GANDT: My land's completely flat.

MR. SCHEIBLE: It's completely flat, so if you were to put it back there, there would be no elevation problems?

MR. GANDT: No, it's completely level.

MR. SCHEIBLE: I mean back where, you know?

MR. GANDT: Even there it's all level.

MR. TORPEY: It would kind of look pretty good sitting

back there.

MR. GANDT: Yes.

MR. SCHEIBLE: Cause it's kind of close.

MR. TORPEY: The other one's real close, the little house to the right.

MR. HAMEL: Looks like it's only three foot away from the line.

MR. SCHEIBLE: Just like he said that was in the '50s.

MR. TORPEY: What's the footage supposed to be, I thought it was 10?

MS. JULIAN: Side yard's 20.

MR. BEDETTI: They've got 10 and the total two yards that's supposed to be 40 and they're going to have 33, I guess.

MR. TORPEY: Yeah, it's considered a side yard but still going to be behind the house, right?

MR. GANDT: Yes.

MR. SCHEIBLE: Not to bring something up here but you have an existing shed that's seven feet or so away, how long has that shed been there?

MR. GANDT: When I bought the house it was there.

MR. SCHEIBLE: How long ago?

MRS. GANDT: Thirteen years.

MR. GANDT: There's no foundation on the shed.

MR. SCHEIBLE: It's a movable shed?

MR. GANDT: Yes, it's half rotted out, I'm going to tear it down anyway but it's been there for probably 20, 25 years at least, something like that.

MRS. GANDT: I would say even longer.

MR. TORPEY: Anything else?

MR. BEDETTI: No.

MR. SCHEIBLE: You'd rather not put it on that piece up a little further up there? You just, what's the reasoning, I'm just curious why you don't have it up there further where you comply with all the rules that are here right now?

MR. GANDT: I understand because then the garage would be more behind the house and there's windows, the extension built on the, onto the back of the house is all windows so it would obstruct the view of that. Plus then what I would have to do instead of drive straight into the driveway I would have to drive up, build the driveway longer and have to make a left turn to go into the garage as opposed to just being able to drive straight into it.

MR. BEDETTI: There's no technical reason why you couldn't put the garage around the, behind the house here other than you don't like it?

MR. GANDT: Just trying to keep it the way the neighborhood is for the most part.

MR. TORPEY: I'm kind of confused, if this garage was say over a little bit even with the back of the house does that mean it's behind the house just cause it's, it's still behind the house just cause it's to the side of the house means it's a side yard?

MS. JULIAN: Yes.

MR. BEDETTI: No, the distance between the right edge of the garage proposed garage and the property line that's where the code violation is.

MR. TORPEY: But it's because of a side yard.

MS. JULIAN: Right.

MR. BEDETTI: I guess it's on the side of the house.

MR. TORPEY: Almost looks like it's behind the house.

MR. BEDETTI: There is a back property line that goes all the way in the back that's not the violation, the violation is from the property line to the garage.

MR. TORPEY: I understand that.

MR. KRIEGER: Basically, I see what you're saying, I do but the 20 feet they are measuring the closest if that's, if the garage were built closest to the line.

MR. TORPEY: Even if it was sitting over here?

MR. KRIEGER: Even if it was back there it would still be the closest to the line.

MR. TORPEY: All right.

MR. KRIEGER: He doesn't have a problem with the back line.

MR. TORPEY: Any other questions?

MR. BEDETTI: I have no questions.

MR. SCHEIBLE: Where it says new breezeway, what's your intention, is that going to be concrete slab or something similar?

MR. GANDT: Something similar, it will just be to cover so we can walk out of the garage up the breezeway and to the house where the back door is if there's inclement weather.

MR. SCHEIBLE: Is it going to be covered?

MR. GANDT: Just on top, won't have sides, just a top cover.

MR. BEDETTI: It's not an enclosed?

MR. GANDT: No, not enclosed, yeah, it's an overhang type thing.

MR. TORPEY: Make a motion.

MR. BEDETTI: I will make a motion that we schedule a public hearing for Mr. and Mrs. Russell Gandt for 38 Cross Street in an R-4 zone side yard and total side yard variance request.

MR. HAMEL: I'll second it.

ROLL CALL

MR. SCHEIBLE                      AYE

MR. BEDETTI                    AYE  
MR. HAMEL                    AYE  
MR. TORPEY                    AYE

MS. JULIAN: Okay, these are your next steps on the bottom it gives you how many envelopes you need and those are the extra pictures I didn't need.

MR. TORPEY: Then you come back the second time.

MS. JULIAN: We'll send out all the mailings and then we'll do a public hearing.

MR. GANDT: Thank you very much.



PUBLIC HEARINGS:

EDWARD & JACQUELINE TURENCHALK (11-12)

MR. TORPEY: Second on the agenda is going to be a public hearing that's going to be Edward and Jacqueline Turenchalk. You know the routine, right, state your name and address.

MR. TURENCHALK: Edward Turenchalk, 149 Riley Road.

MRS. TURENCHALK: Jacqueline Turenchalk, 149 Riley Road.

MR. TURENCHALK: We're here to request the variance for the side deck.

MR. TORPEY: Okay.

MS. JULIAN: A deck is a deck is a deck is what the building department said.

MR. TORPEY: That's right, the one that's on the ground, okay. Will you be removing, just some questions I have to ask, you're not removing any trees or vegetation?

MR. TURENCHALK: No.

MR. TORPEY: You didn't build the deck on top of anything, interfere with any easements or right-of-ways, anything exciting like that? Water, sewer?

MR. TURENCHALK: No.

MR. TORPEY: You're not collecting or ponding any water, diverting any flow of water drainage?

MR. TURENCHALK: No.

MR. TORPEY: You have no formal or informal complaints from any of the neighbors people around you?

MR. TURENCHALK: No.

MR. TORPEY: Deck similar in size to everybody else's deck in the neighborhood, as nice as everybody else's?

MR. TURENCHALK: Sure.

MR. KRIEGER: The other question was similar, not identical.

MR. TORPEY: Sorry.

MR. KRIEGER: Just explaining to them doesn't have to be the exactly the same, just similar. This deck is on ground level but it connects to one around the back if I remember correctly?

MR. TURENCHALK: Yes.

MR. KRIEGER: The one around the back is off the ground?

MR. TURENCHALK: Yes.

MR. TORPEY: This is the question where they say if you walk out of the house.

MR. KRIEGER: Yes. It connects to the one in the back which is how far off the ground?

MR. TURENCHALK: At its highest three feet, at its lowest on the ground cause there is a slope.

MR. TORPEY: So you need a deck there.

MR. TURENCHALK: Yes.

MR. KRIEGER: If somebody were to fall off the three foot end they would likely sprain an ankle, break a leg, something like that?

MR. TURENCHALK: Could, yeah.

MR. KRIEGER: Okay.

MR. BEDETTI: I have a question relevant to one of the pictures. I'm not sure where the violation is and which is the, do you see the markings at these poles, is this the one near where the violation is or is the violation from here to here?

MR. TURENCHALK: That's the same, I'm saying that's the same, those two poles are the same two poles just taken from a different angle so that's the violation right there.

MR. BEDETTI: Okay, I see. That's the one that connects to that one in the back?

MR. SCHEIBLE: Down there is that a walkway that connects them?

MR. TURENCHALK: You have a picture of the property on the Google map, I think it shows how it all connects.

MS. JULIAN: Right there that survey. Oh, you're looking at the paper.

MR. TURENCHALK: So the deck goes, you can kind of see the X and that little piece that connects this is all one continuous.

MR. BEDETTI: So the violation is right in there?

MR. TURENCHALK: Yeah, this part in here is too close, right.

MR. BEDETTI: Is this the neighbor's fence over here?

MR. TURENCHALK: Yes.

MR. TORPEY: How long has the deck been in existence?

MR. TURENCHALK: I don't know.

MRS. TURENCHALK: We bought the house in 2002 and it was there.

MR. TORPEY: It's been there before you bought the house?

MR. TURENCHALK: Yes.

MR. SCHEIBLE: This wasn't brought up, I think I asked you that question last time around, this was never brought up when you bought this house, was there a permit for that deck or anything like that?

MR. TURENCHALK: It must have been overlooked by everyone involved there.

MR. SCHEIBLE: So we don't even know if there was a building permit issued to build this deck?

MR. TURENCHALK: I don't know if there was.

MS. JULIAN: There was not.

MR. TORPEY: There is now.

MS. JULIAN: Yes.

MR. TORPEY: Any other questions? I've got to open it up to the public, obviously we see nobody's here and how many mailings did you send out?

MS. JULIAN: On the 10th day of May, 2011, I mailed out 22 addressed envelopes and received no written response back.

MR. TORPEY: I guess we'll close this portion of the meeting. Motion?

MR. BEDETTI: I will make a motion that we grant the variance request for 27 foot side yard and a 19 foot total side yard request by Edward and Jacqueline Turenchalk at 149 Riley Road in an R-3 zone.

MR. SCHEIBLE: I'll second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE

MS. JULIAN: Okay, here are your next steps with the building department to close out your permit.

MR. TURENCHALK: This will grant us the C.O. for the entire deck?

MS. JULIAN: You're probably going to have to dig up a footing and then we come out and look, make sure it's 42 inches deep and then we can close it out.

MR. TURENCHALK: All right, thank you.

MR. TORPEY: Have a nice night.

FORMAL DECISIONS:

1. Medicine Chest
2. Vincent Satriano
3. Edwin Carrillo
4. Eileen Sharrow
5. Eugene Hecht
6. Banta Realty

MR. TORPEY: Formal decisions.

MS. JULIAN: I re-did one of them and I re-sent it out.

MR. TORPEY: Which one?

MS. JULIAN: Sharrow.

MR. BEDETTI: Vote on this as a group?

MR. KRIEGER: If you want, that's your choice.

MR. BEDETTI: Are you waiting for a motion?

MR. TORPEY: Yeah, you can do a motion.

MR. BEDETTI: I will make a motion that we accept the formal decisions for Medicine Chest, Vincent Satriano, Edwin Carrillo, Eileen Sharrow, Eugene Hecht and Banta Realty as written.

MR. HAMEL: I'll second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. TORPEY	AYE

MR. TORPEY: Motion to adjourn?

MR. BEDETTI: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BEDETTI	AYE

MR. HAMEL  
MR. TORPEY

AYE  
AYE

Respectfully Submitted By:

Frances Roth  
Stenographer